

**POLICY**

Residential juvenile justice facility staff must inform any youth who is subject to the Sex Offenders Registration Act of the obligation to register, periodically verify registration when required, and make situational reports to the registering authority. Staff must also inform each sex offender of the right to petition for removal from the sex offender registry.

Any youth in a secure public or private residential facility is considered to be incarcerated. Registration verification requirements and payment of annual registration fees are held in abeyance until the youth is released to a non-secure facility or the community.

Any youth in a non-secure facility is subject to periodic verification requirements based on the tier of the sex offense as well as payment of the annual verification fee.

**PURPOSE**

To ensure that residential juvenile justice facility staff assist sex offenders in fulfilling registration obligations.

**DEFINITIONS**

See [JRG, JJ Residential Glossary](#).

**RESPONSIBLE  
STAFF**

Facility director and direct care staff.

**PROCEDURE**

Each facility must develop and implement a written procedure for sex offender registration. At a minimum, the procedure must contain the following requirements:

**Admission Review**

The court is required under law to register a youth as a sex offender for adjudication or conviction of a listed offense. As part of facility admission, staff must review the case record and verify that registration directed by the court order is properly documented. Case records must include:

- Signed copy of the MSP DD-004A, Explanation of Duties to Register as a Sex Offender, with the youth and have the youth sign the form.
- Signed copy of the MSP RI-004, Michigan Sex Offender Registration.

The case record may also contain copies of the MSP RI-004V Sex Offender Verification/Update if the youth has had to verify registration.

Michigan State Police forms related to sex offenders can be found on the department web site at [http://www.michigan.gov/msp/0,1607,7-123-1645\\_3500---,00.html](http://www.michigan.gov/msp/0,1607,7-123-1645_3500---,00.html)

In cases where staff cannot verify that registration has occurred as ordered by the court, staff must seek clarification from the juvenile justice specialist.

Offenses requiring registration and their tier designation are found in [JJM 300, Offense Class I-V, Sex Offender Registration, and DNA Profile Codes](#) Exhibits VI-VIII, and the Sex Offenders Registration Act.

## Registration Requirements

Any youth who was 14 years of age or older at the time of the offense and was adjudicated for a Tier III offense must register unless the court grants a Romeo and Juliet exemption as described below.

Any youth convicted as an adult for a Tier I-III offense must be registered in accordance with MCL 28.722b(i).

Any youth convicted in a designated proceeding in juvenile court must register in accordance with the adult registration rules in MCL 28.728(4)(a).

Juveniles may avoid the requirement to register for certain Tier III offenses if the court grants their petition seeking a Romeo and Juliet exemption.

**Romeo and Juliet  
Exemption  
Determination**

The granting of a Romeo and Juliet exemption must be decided by a court. The court may hold a post-conviction, pre-sentencing hearing, or a post-adjudication, pre-disposition hearing to make a determination regarding the exemption.

The defendant must prove by a preponderance of the evidence that:

- The victim was between the ages of 13 and 16.
- The defendant or juvenile was not more than four years older than the victim.
- The sexual conduct was consensual.

The defendant may also assert status by proving by a preponderance of the evidence that:

- The victim was 16 or 17 and was not under the custodial authority of the defendant at the time of the violation.
- The victim consented to the conduct.

The rules of evidence, except those relating to privileges and the rape shield law (MCL 750.520j), do not apply at this proceeding.

The victim has the right to attend and be heard, to attend and be silent, or refuse to attend.

The court's decision is a final order, appealable by right to the Court of Appeals.

**Identification  
Cards**

Any youth required to register must have a digitized driver's license or state identification card obtained from a Secretary of State office for use in identification. The address must match the current address listed on the registry.

The youth's juvenile justice specialist must provide the youth's certified birth record to the facility as needed to assist the youth in securing the state identification card. After the card has been

obtained, the specialist must ensure the birth record is returned to the youth's local office case file.

The registering authority is the law enforcement agency or sheriff's office having jurisdiction over the offender's residence, place of employment, institution of higher learning, or the nearest Michigan State Police post.

### **Petition for Removal from the Sex Offender Registry**

An offender who is on the registry under any of the following circumstances may petition immediately for removal from the registry:

- Youth is seeking or is granted a Romeo and Juliet exemption.
- Youth was under 14 at the time of the offense and was adjudicated as a juvenile.
- Youth is on the registry for an offense that no longer requires registration (for example, indecent exposure and offenses that are not tier III offenses).

The petition must be filed in the county of adjudication/conviction. If the offender was convicted in another state or territory, the petition must be filed in the youth's county of residence.

The prosecuting attorney must be served with the petition.

A false statement in a petition is perjury.

If the victim is known, the prosecuting attorney must notify the victim.

The victim has the right to attend any hearing and make a statement. Victims cannot be required to attend a hearing against their own will.

Further information regarding the eligibility of a youth filing a petition for removal from the registry may be obtained by the youth from the local court and the Sex Offenders Registration Act, MCL 28.721 et seq.

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**Payment Method  
for State  
identification Card**

If the youth or family is unable to pay for a driver's license or state identification card, the DHS-1583, Interagency Voucher Request, must be completed to bill the cost to DHS. The following codes must be used:

- TC-413.
- AGY-431.
- AY-last two digits of the fiscal year.
- Index-65340.
- PCA-47037.
- AOBJ-6155.

The facility staff must submit a completed DHS-1583 to the Secretary of State office when requesting a state identification card or driver's license for a delinquent youth. The facility staff must also file a copy in the case record.

**LEGAL BASIS**

Sex Offenders Registration Act, 1994 PA 295, as amended, MCL 28.721 et seq